

JUL 19 2006

Atty. Dkt. No. 073442-0301

Remarks

Courtesies extended to Applicants' representative in the telephone interview conducted July 19, 2006, are gratefully acknowledged. Applicants understand that the sole rejection to Claim 10 in the Final Rejection dated January 25, 2006, is under the judicially created doctrine of obviousness-type double-patenting over Claims 1-7 and 15-20 of co-pending U.S. App. No. 10/342,119, filed January 13, 2003, and that cancelation of all claims, save Claim 10, will put the present application in condition for allowance.

By the present communication, Claims 1, 3, 11, 16-27 and 32 have been canceled. The amendments provided herewith present fewer claims for consideration, and are submitted to place the present application in condition for allowance, or at a minimum, in better condition for appeal. Accordingly, entry of the amendments provided herewith is submitted to be proper and is respectfully requested.. See MPEP § 714.12. Amendments submitted herewith are not to be construed as a dedication of the subject matter not presently claimed to the public. Applicants reserve the right to pursue claims as originally filed in a continuation application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Provisional Double Patenting Rejection: Claims 1, 3, 10, 11, and 25-27.

The provisional rejection of claims 1, 3, 10, 11, and 25-27 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-7, and 15-20 of co-pending U.S. App. No. 10/342,119, is rendered moot with respect to Claims 1, 3, 11, and 25-27 by the cancelation thereof by the present communication.

With respect to Claim 10, the instant rejection is respectfully traversed. No terminal disclaimer is procedurally required in a case where the provisional rejection involves two pending applications and where the rejection is the sole remaining issue in the case. See MPEP 804 (I)(B) (The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application

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unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications.") In the event that other rejections of the present claims are successfully overcome by the current communication, the current obviousness-type double patenting rejection would then be the sole remaining rejection, and withdrawal of the instant provisional rejection would be appropriate. Accordingly, Applicants respectfully reconsideration and withdrawal of the instant rejection.

Other Rejections: Claims 1, 3, 11, 18, 19, 25-27, and 32

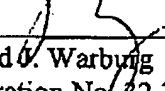
The other rejections of Claims 1, 3, 11, 18, 19, 25-27, and 32 alleged in the Final Rejection dated January 25, 2006, are rendered moot by the cancellation thereof by the present communication.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. In the event that any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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